

DATE: 3/24/2008 CASE NUMBER: 08-15498-001M-SD

CLOSED

PLEA/SENTENCING MINUTES

USA vs. Telesforo Manuel Alvarado-Quintero

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney \_\_\_\_\_ INTERPRETER REQ'D Ricardo Gonzalez

LANGUAGE: Spanish

Attorney for Defendant Matthew Johnson (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 3/18/08 ☐ Complaint Filed ☐ Appointment of counsel hearing held  
☐ Financial Afdvt taken ☐ No Financial Afdvt taken ☐ Financial Afdvt sealed  
☐ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA  
Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal  
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ \_\_\_\_\_  
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset  
Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd  
☐ Consent of Defendant ☐ Information filed ☐ Complaint filed  
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts ONE  
☐ Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED in defendant's true name.  
☒ Plea of Guilty entered as to Ct(s) ONE of the ☐ Information ☐ Indictment ☒ Complaint  
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.  
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed  
☐ Court does not accept defendant's plea of guilty because \_\_\_\_\_  
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence  
☐ Continued for sentence to \_\_\_\_ before \_\_\_\_\_  
☐ To be dismissed upon entry of the judgment, Ct(s) \_\_\_\_  
☒ ORDER vacate trial date/motion hearing/mtns moot  
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☒ Defendant committed to Bureau of Prisons for a period of \_\_\_\_ ☐ Probation/Supervised Release for \_\_\_\_  
☒ Special Assessment \$ REMITTED ☐ Fine \$ \_\_\_\_ ☐ Restitution \$ \_\_\_\_

Other: Defense counsel advises the Court that the defendant refuses to sign a Waiver of Removal. Senior Patrol Agent Nick Francescutti, on behalf the Government, orally moves to dismiss the Complaint against the defendant. Defense counsel has no objection. IT IS ORDERED dismissing the Complaint without prejudice. Case closed.

RECORDED: CS (3 Min)

BY: Jocelyn M. Arviso, Deputy Clerk

DATE: 3/20/2008 CASE NUMBER: 08-15498M-001

USA vs. Telesforo Manuel Alvarado-Quintero

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney \_\_\_\_\_ INTERPRETER Marcia Resler  
LANGUAGE Spanish

Attorney for Defendant Matthew Johnson (AFPD) - Not Present

MATERIAL WITNESS(es): \_\_\_\_\_

MATERIAL WITNESS(es) state true name(s) to be: \_\_\_\_\_

Attorney for Material Witness(es):   

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 3/18/08 ☒ Initial Appearance ☒ Appointment of counsel hearing held  
☐ Financial Afdvt taken ☒ Defendant Sworn ☐ Financial Afdvt sealed  
☐ Rule 5(c)(3) ☐ Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED  
in Defendant's true name.

**DETENTION HEARING:**

☐ Held ☐ Con't ☐ Submitted ☐ Reset

Set for:

Before:

☒ Defendant ordered temporarily detained in the custody of the United States Marshal

☐ Defendant ordered released \_\_\_\_\_

☐ Defendant continued detained pending trial

☐ Flight risk ☐ Danger

**IDENTITY HEARING:**

☐ Held ☐ Con't ☐ Submitted ☐ Reset

☐ Waived

Set for:

Before:

☐ Warrant of removal issued.

**PRELIMINARY HEARING:**

☐ Held ☐ Con't ☐ Submitted ☐ Reset

☐ Waived

Set for:

Before:

☐ Probable cause found ☐ Dismissed

☐ Held to answer before District Court

**STATUS HEARING:** re: \_\_\_\_\_

☐ Held ☐ Con't ☐ Reset

Set for:

Before:

Other: Plea and sentence set for 3/24/08 at 11:00 a.m. before Magistrate Judge Irwin.

Recorded by Courtsmart  
BY: Jocelyn M. Arviso  
Deputy Clerk

# United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

3/18

UNITED STATES OF AMERICA

V.

Telesforo Manuel ALVARADO-Quintero

Citizen of Mexico

YOB: 1956

088764523

Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15498M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

## COUNT I

That on or about March 1, 2006, near Andrade, California in the Southern District of California, Defendant Telesforo Manuel ALVARADO-Quintero, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

March 20, 2008  
Date

at

Yuma, Arizona  
City and State

Jay R. Irwin, U.S. Magistrate  
Name & Title of Judicial Officer

Signature of Complainant  
Alfredo Prieto  
Senior Patrol Agent  
Signature of Judicial Officer

## STATEMENT OF FACTUAL BASIS

Defendant: Telesforo Manuel ALVARADO-Quintero

Dependents: 2 Mexican

**IMMIGRATION HISTORY:** The Defendant is an illegal alien and has been apprehended by the U.S. Border Patrol on 4 prior occasions.

**CRIMINAL HISTORY:**

<b><u>DATE LOCATION</u></b>	<b><u>OFFENSE</u></b>	<b><u>DISPOSITION</u></b>
08/28/00 Bakersfield, CA	Driving Under the Influence	No disposition recorded.
	Driving Under the Influence	No disposition recorded.
	Blood Alcohol Content .08	
	Percent or more	

**Narrative:** The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Wellton Border Patrol agents near Wellton, Arizona.

The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented National of Mexico and illegally in the United States.

The Defendant was transported to the Wellton station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on March 1, 2006.

**Charges:** 8 USC§1325

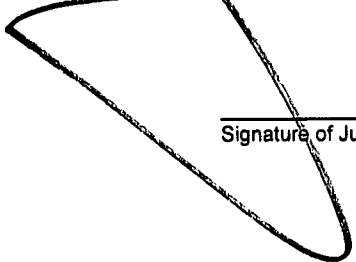
(Misdemeanor)

Sworn to before me and subscribed in my presence,

March 20, 2008

Date

  
Signature of Complainant

  
Signature of Judicial Officer